

**IN THE UNITED STATES COURT OF FEDERAL CLAIMS  
OFFICE OF SPECIAL MASTERS  
No. 03-1419V  
Filed: January 18, 2013**

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TYAN MARIE GREEN, a minor, \*  
by her mother and natural guardian, \*  
TIFFANY SANDERS, \*

Petitioner, \*

Attorney Fees and Costs

v. \*

SECRETARY OF HEALTH \*  
AND HUMAN SERVICES, \*

Respondent. \*

\*\*\*\*\*

**DECISION ON ATTORNEY FEES AND COSTS<sup>1</sup>**

**Vowell**, Special Master:

In this case under the National Vaccine Injury Compensation Program,<sup>2</sup> I issued a decision on May 31, 2012, dismissing petitioner’s claim for insufficient proof. On December 31, 2012, petitioner filed an Application for Attorneys’ Fees and Costs [“Application”]. Included with her Application is an accounting of her attorney’s hours and expenses and a statement pursuant to General Order #9 setting forth her personal litigation costs.

On January 17, 2013, respondent filed her response to petitioner’s Application. Respondent does not oppose an award of compensation consistent with the amount sought in petitioner’s application.

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<sup>1</sup> Because this unpublished decision contains a reasoned explanation for the action in this case, I intend to post this decision on the United States Court of Federal Claims’ website, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, § 205, 116 Stat. 2899, 2913 (codified as amended at 44 U.S.C. § 3501 note (2006)). In accordance with Vaccine Rule 18(b), petitioner has 14 days to identify and move to delete medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, I agree that the identified material fits within this definition, I will delete such material from public access.

<sup>2</sup> The applicable statutory provisions defining the program are found at 42 U.S.C. § 300aa-10 *et seq.* (2006).

I find that this petition was brought in good faith and that there existed a reasonable basis for the claim. Therefore, an award for fees and costs is appropriate, pursuant to 42 U.S.C. §§ 300aa-15(b) and (e)(1). Further, the proposed amount seems reasonable and appropriate. **Accordingly, I hereby award the total \$33,774.26<sup>3</sup> as follows:**

- **a lump sum of \$33,598.10 in the form of a check payable jointly to petitioner, Tiffany Sanders, and petitioner’s counsel of record, Clifford J. Shoemaker, for petitioner’s attorney fees and costs, and**
- **a lump sum of \$176.16 in the form of a check payable to petitioner, Tiffany Sanders, for her personal litigation costs.**

In the absence of a timely-filed motion for review filed pursuant to Appendix B of the Rules of the U.S. Court of Federal Claims, the clerk of the court shall enter judgment in accordance herewith.<sup>4</sup>

**IT IS SO ORDERED.**

**s/ Denise K. Vowell**  
**Denise K. Vowell**  
Special Master

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<sup>3</sup> This amount is intended to cover all legal expenses incurred in this matter. This award encompasses all charges by the attorney against a client, “advanced costs” as well as fees for legal services rendered. Furthermore, 42 U.S.C. § 300aa-15(e)(3) prevents an attorney from charging or collecting fees (including costs) that would be in addition to the amount awarded herein. *See generally Beck v. Sec’y, HHS*, 924 F.2d 1029 (Fed. Cir.1991).

<sup>4</sup> Entry of judgment can be expedited by each party’s filing of a notice renouncing the right to seek review. *See Vaccine Rule 11(a)*.